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2161Practitioner's Docket No. 2854.72

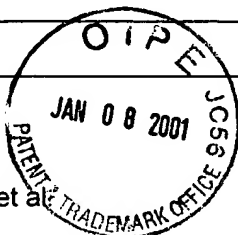
## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT  
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Technology Center 2100

Patent application

of \_\_\_\_\_  
Inventor(s)  
for \_\_\_\_\_  
Title of invention

OR

In re application of: Bauer et al

Application No.: 09/397,309  
Filed: September 16, 1999Group Art Unit: 2761  
Examiner: Unknown

For: SYSTEM AND MEHOD OF OPERATING A DEBIT CARD REWARD PROGRAM

Assistant Commissioner for Patents  
Washington, D.C. 20231

**TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT  
WITHIN THREE MONTHS OF FILING OR  
BEFORE MAILING OF FIRST OFFICE ACTION (37 C.F.R. § 1.97(b))**

**NOTE:** "An information disclosure statement shall be considered by the Office if filed by the applicant: (1) within three months of the filing date of a national application; (2) within three months of the date of entry of the national stage as set forth in § 1.491 in an international application; or (3) before the mailing date of a first Office action on the merits, whichever event occurs last." 37 C.F.R. § 1.97(b).

**CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. § 1.8(a))**

I hereby certify that this correspondence is, on the date shown below, being:

**MAILING****FACSIMILE**

☒ deposited with the United States Postal Service with sufficient postage as Express Mail No. EL 228 702 980US service under 37 CFR 1.10 in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.  
Date: January 8, 2001

☐ transmitted by facsimile to the

*Lorraine Glorig*  
\_\_\_\_\_  
Signature

Lorraine Glorig  
\_\_\_\_\_  
(type or print name of person certifying)

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(Transmittal of Information Disclosure Statement Within Three Months of Filing or Before Mailing of First Office Action [6-3--page 1 of 2])

NOTE: The "filing date of a national application" under 37 C.F.R. § 1.97(b) has two possible meanings. Where the filing is a direct one to the United States Patent & Trademark Office, the filing is defined in 37 C.F.R. § 1.53(b) as "the date on which: (1) A specification containing a description pursuant to § 1.71 and at least one claim pursuant to § 1.75; and (2) any drawing required by § 1.81(a), are filed in the Patent and Trademark Office in the name of the actual inventor or inventors as required by § 1.41." 37 C.F.R. § 1.97(b)(1). On the other hand, an international application that enters the national stage occurs when the applicant has filed the documents and fees required by 35 U.S.C. § 371(c) within the periods set forth in § 1.494 or § 1.495. 35 U.S.C. § 371(c) requires the filing of the following: (1) the basic national fee; (2) a copy of the international application, unless already sent by the International Bureau, and optionally an English translation if filed in another language; and, also optionally (3) amendments under PCT Article 19, with a translation into English if made in another language; (4) an oath or declaration; and (5) a translation into English of any annexes to the international preliminary examination report, if such annexes were made in another language. The optional items must be submitted later, with surcharges. 37 C.F.R. § 1.97(b)(2).

### IDENTIFICATION OF TIME OF FILING THE ACCOMPANYING INFORMATION DISCLOSURE STATEMENT

The information disclosure statement submitted herewith is being filed within three months of the filing date of the application or date of entry into the national stage of an international application or before the mailing date of a first Office action on the merits, whichever event occurs last. 37 C.F.R. § 1.97(b).

NOTE: "No certification or fee is due when the filing is made within the above time period. It is advisable to ensure that no Office action has been mailed if the disclosure statement is delayed until after three months from filing."

NOTE: "An information disclosure statement will be considered to have been filed on the day it was received in the Office, or on an earlier date of a mailing if accompanied by a properly executed certificate of mailing under 37 C.F.R. 1.8, or Express Mail certificate under 37 C.F.R. 1.10. An Office action is mailed on the date indicated in the Office action." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

NOTE: "The term 'national application' includes continuing applications (continuations, divisions, continuations in part) so three months will be measured from the actual filing date of an application as opposed [sic] to the effective date of a continuing application." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

NOTE: An action on the merits means an action which treats the patentability of the claims in an application, as opposed to only formal or procedural requirements. An action on the merits would, for example, contain a rejection or indication of allowability of a claim or claims rather than just a restriction requirements (37 C.F.R. 1.142) or just a requirement for additional fees to have a claim considered (37 C.F.R. 1.16(d)). Thus, if an application was filed on Jan. 1 and the first Office action on the merits was not mailed until six months later on July 1, the examiner would be required to consider any proper information disclosure statement filed prior to July 1." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

WARNING: "A petition for suspension of action to allow applicant time to submit an information disclosure statement will be denied as failing to present good and sufficient reasons, since 37 C.F.R. § 1.97 provides adequate recourse for the timely submission of prior art for consideration by the examiner." Notice of July 6, 1992 (1141 O.G. 63)

  
SIGNATURE OF PRACTITIONER

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(Transmittal of Information Disclosure Statement Within Three Months of Filing or Before Mailing of First Office Action [6-3—page 2 of 2])

PATENT APPLICATION  
Attorney Docket No. 2854.72

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Application: : 09/397,309  
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Group Art Number : 2761  
Examiner : Not yet known



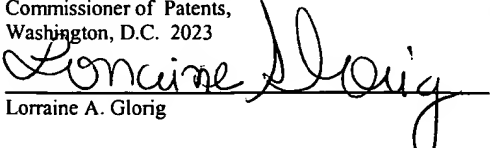
January 8, 2001  
New York, New York

Assistant Commissioner for Patents  
Washington, D.C. 20231

INFORMATION DISCLOSURE STATEMENT

Sir:

Pursuant to the Duty of Disclosure under 37 C.F.R. § 1.56, and in accordance with 37 C.F.R. §§ 1.97 and 1.98, applicants hereby make of record the documents cited in the enclosed copy of modified forms PTO-1449. A copy of each document cited is enclosed.

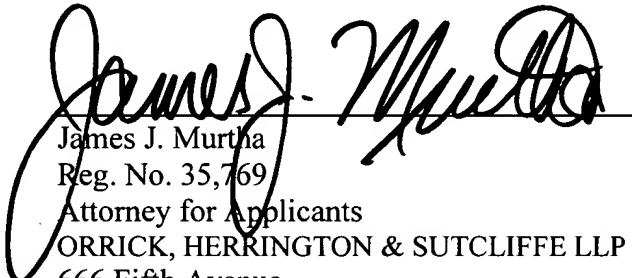
EXPRESS MAIL" Label No: <u>228 702 980 US</u>
Date of Deposit: <u>January 8, 2001</u>
I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to: Assistant Commissioner of Patents, Washington, D.C. 2023
 Lorraine A. Glorig

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It is respectfully requested that the Examiner: (1) fully consider each of the documents cited in modified form PTO-1449; (2) initial the enclosed copy of modified form PTO-1449 in the appropriate places to indicate that each document has been considered; and (3) return a copy of the initialed form to the undersigned in accordance with MPEP § 609.

Applicants expressly reserve the right to establish invention prior to the effective date of any one or more of the documents cited, pursuant to 37 C.F.R. § 1.131.

Respectfully submitted



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